

Under Federal Rule of Civil Procedure 55(b)(2), the Court may enter default judgment against a party who fails to appear. The relief Plaintiff requests in its Motion for Default Judgment is the same as is requested in the Complaint: for the Court to appoint an umpire to adjudicate under the terms of the Policy. Courts in this Circuit have given effect to contractual provisions permitting the court to appoint an umpire. *See Emplr. Trs. of W. Pa. Teamsters v. Union Tr. of W. Pa. Teamsters*, 870 F.3d 235 (3d Cir. 2017) (remanding the case for the district court to appoint an umpire with respect to a dispute under a labor contract pursuant to the terms of the contract). The Court will do the same here.

Plaintiff asks that the Court appoint Dave Cinciripini as umpire. ECF No. 1 at ¶ 20. Mr. Cinciripini works as a Senior Estimator at BELFOR Property Restoration and has worked in that role for over 19 years. ECF No. 1 at ¶ 20. Given that Defendant has been served with the Complaint and Plaintiff's Motion for Default Judgment, and has not appeared to contest the Court's potential appointment of Mr. Cinciripini as an umpire pursuant to the terms of the Policy, the Court will make the appointment.

DATED this 3rd day of June, 2021.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record